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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,476	11/15/2000	Michael Ferraro	3801-4000US1	3612

7590 09/16/2003
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345 Park Avenue
New York, NY 10154

EXAMINER

JANKUS, ALMIS R

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,476

Applicant(s)

FERRARO ET AL.

Examiner

Almis R Jankus

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59, 73-77 and 91-145 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-59, 73-77 and 91-145 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 13, 14, 18, 33-35 and 40-45 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6-12, 15-17, 19-32, 36-39, 46 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's election without traverse of claims 1-59, 73-77 and 91-145 in Paper No. 6 is acknowledged.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2, 5, 13, 14, 18, 33-35, 40-45 are rejected under 35 U.S.C. 102(a) as being anticipated by Yamamoto.

With respect to claim 1, Yamamoto teaches the claimed audio analysis unit at figure 3, item 12, and at column 1 line 24 to column 3 line 8; and the claimed control unit at column 3 lines 8-27.

Claim 2 requires the compositing unit to create image sequences from individual graphic elements. Yamamoto teaches this at column 1 line 24 to column 3 line 8.

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Claim 5 requires a graphics database. Yamamoto teaches this at figure 3, item 21.

Claim 13 further requires a signal analysis unit. Yamamoto teaches this at column 9 line 47 to column 10 line 36.

Claim 14 further requires an FFT. Yamamoto teaches this at column 9 line 47 to column 10 line 36.

Claim 18 further requires a mouth classification unit. Yamamoto teaches this at column 12 lines 5-21.

Claims 33-35 further requires a processor, storage, and a program. Yamamoto teaches this at figure 3.

With respect to claim 40, Yamamoto teaches the claimed library at figure 3, item 21; controller as item 17 and compositing engine as item 15.

Claims 41-45 recite features which have been addressed above and are rejected under similar rationale.

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4. Claims 3, 4, 6-12, 15-17, 19-32, 36-39, 46-47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 48-59, 73-77, 91-145 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis R Jankus whose telephone number is 703-305-9795. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



ALMIS R. JANKUS
PRIMARY EXAMINER

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